

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA A. LAPIN,

Plaintiff,

-against-

JOHN DOE “23RD STREET”; JOHN DOE
“GREENVILLE SENDER,”

Defendants.

1:22-cv-4144-GHW

ORDER

GREGORY H. WOODS, District Judge:

Plaintiff commenced this case on May 20, 2022. Dkt. No. 1. On August 5, 2022, the Court ordered Plaintiff to effectuate service within ninety days within the issuance of the summons. Dkt. No. 6. In that order, the Court also advised Plaintiff that if he failed to serve the complaint within those 90 days, “the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure . . .” *Id.*

On November 3, 2022, the 90-day window to serve Defendants in this action expired. *See* Fed. R. Civ. P. 4(m). Federal Rule of Civil Procedure 4(m) states, in relevant part, that “[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”

On November 7, 2022, the Court ordered Plaintiff to show cause by November 14, 2022, as to why this action should not be dismissed for failure to serve process in the time allotted by Federal Rule of Civil Procedure 4(m). Dkt. No. 9. Plaintiff failed to respond. Because Plaintiff has not shown good cause regarding his failure to effectuate timely service on Defendants, this action is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

The Clerk of Court is directed to close the case and to mail a copy of this order to Plaintiff by first class and certified mail.

SO ORDERED.

Dated: November 17, 2022
New York, New York



GREGORY N. WOODS
United States District Judge